

  
1186327 - R8 SDMS

INTER-AGENCY ROUTING SLIP

DATE:

TO:

FROM:

*March 13, 2002*  
*Sheldon Muller* *8ENF-L*  
Robert R. Homiak, Senior Attorney  
U.S. Department of Justice  
Environment and Natural Resources Division  
Environmental Enforcement Section, Denver Field Office  
999 18<sup>th</sup> Street, Suite 945 - North Tower  
Denver, Colorado 80202  
Voice: (303) 312-7353  
Facsimile: (303) 312-7331

**PLAINTIFF THE UNITED STATES OF AMERICA  
AND THE STATE OF COLORADO'S JOINT RESPONSE  
TO REQUESTS FOR PRODUCTION OF DOCUMENTS  
FROM THE ESTATE OF VIRGINIA SELL**

**DOCUMENTS RESPONSIVE TO REQUEST NO. 1**

*(Responsive to the Interrogatories)*

*Does not include the accounting documents  
on the Sec'y of State (dissolution) document  
that you added.*

# STATE OF COLORADO

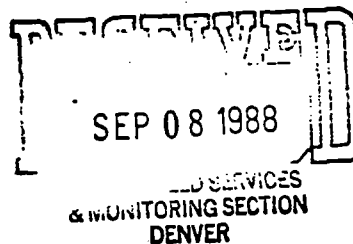
## COLORADO DEPARTMENT OF HEALTH

4210 East 11th Avenue  
Denver, Colorado 80220  
Phone (303) 320-8333



Roy Romer  
Governor

Thomas M. Vernon, M.D.  
Executive Director



September 7, 1988

Sell & Sell, Attorneys at Law  
Scottsdale Centre, Suite B-160  
7373 North Scottsdale Road  
Scottsdale, AZ 85253

CERTIFIED MAIL: P 670 159 490

RE: Modification in Permit for Transfer of Ownership  
Rico Development Corporation, a Colorado Corporation  
Permit No.: CO-0029793  
Dolores County

Gentlemen:

The above-referenced permit has been modified to reflect a transfer of ownership from Anaconda Minerals Company to Rico Development Corporation, a Colorado Corporation.

Enclosed, for your records, is a copy of the permit for which you have assumed responsibility, coverage and liability. Please familiarize yourself with the requirements of the permit to ensure that all terms and conditions are complied with.

If you have any questions about this matter or your permit, please contact me at 331-4761.

Sincerely,

Carol A. Wehrkamp  
Staff Assistant  
Permits and Enforcement Section  
Water Quality Control Division

cc: Permits Section, Environmental Protection Agency  
Local Health Department  
Kathleen Reilly, Permits and Enforcement Section, WQCD  
Stan May, Field Support Section, WQCD  
Jim Horn, D.E., Field Support Section, WQCD  
Ginny Torrez, Permits and Enforcement Section, WQCD  
Connie Moreno, Administration Section, WQCD

Enclosure

CAT12 0245

File

COLORADO DEPARTMENT OF HEALTH  
Water Quality Control Division  
4210 East 11th Avenue  
Denver, Colorado 80220

ADDENDUM TO RATIONALE

RICO DEVELOPMENT CORPORATION, A COLORADO CORPORATION

ST. LOUIS TUNNEL MINE

PERMIT NUMBER CO-0029793

DOLORES COUNTY

During public notice comments were received from both the permittee and EPA. EPA commented that the permit should include whole effluent toxicity testing. The Division's Interim Policy Requiring Biomonitoring was effective for all applications received after October 1, 1987. This application for permit renewal was received June 22, 1987. When regulations are adopted by the Water Quality Control Commission, this permit may be amended to include the necessary requirements to be consistent with the regulations. No biomonitoring has been included for this facility at this time.

EPA also commented that footnote h (concerning salinity) should be changed. This is boilerplate language included in the body of the permit but not applicable to this permittee. Note that no footnote has been included for salinity on the effluent limitation (page 1a) or monitoring (page 1c) of the permit.

The permittee commented that the ambient total recoverable silver concentration of 0.0003 mg/l assumed by the Division in the draft permit is not correct. They provided data that indicates that the ambient levels are generally less than the detection level of 0.0001 mg/l. The following shows seasonal mass balance calculations using an ambient concentration of zero total recoverable silver:

$$EL = \frac{WQS (Q_{7-10} + Q_{EFF}) - (Q_{7-10} \times C_{AMB})}{Q_{EFF}}$$

(See Appendix B, page 12 of Summary Of Rationale)

WQS =	0.0001 mg/l	
Q <sub>7-10</sub> =	5.7 cfs	Jan. - Apr.
	20.6 cfs	May - July
	11.0 cfs	Aug. - Dec.

Modified 09/07/88

COLORADO DEPARTMENT OF HEALTH  
Water Quality Control Division  
4210 East 11th Avenue  
Denver, Colorado 80220

RATIONALE

RICO DEVELOPMENT CORPORATION, A COLORADO CORPORATION  
ST. LOUIS TUNNEL MINE

PERMIT NUMBER CO-0029793

DOLORES COUNTY

FACILITY TYPE: Industrial - Second Renewal  
FEE CATEGORY: Category 03, Subcategory 3  
SIC NO.: 1031 and 1044  
LOCATION: Sec. 24 and 25, T40N, R11W  
LEGAL CONTACT: Sell & Sell, Attorneys at Law  
Scottsdale Centre, Suite B-160  
7373 North Scottsdale Road  
Scottsdale, AZ 85253  
(602)+998-2669

LOCAL CONTACT: Neil Muldoon  
Muldoon Electric  
P.O. Box 25  
Rico, CO 81332  
(303)+967-2871

RECEIVING WATERS: Dolores River and Silver Creek

SUB-BASIN, SEGMENT: Dolores River

CLASSIFICATION: Dolores River, Segment 2:

Recreational, Class 2  
Aquatic Life, Class 1 (Cold)  
Agricultural Use  
Water Supply

CAT12 0247

Silver Creek (Dolores River, Segment 9):

Recreational, Class 2  
Aquatic Life, Class 2 (Cold)  
Agricultural Use

Q7-10 (Stream low-flow): Dolores River - Annual = 5.0 cfs ( 3.2 MGD)  
Jan. - Apr. = 5.7 cfs ( 3.7 MGD)  
May - July = 20.6 cfs (13.3 MGD)  
Aug. - Dec. = 11.0 cfs ( 7.1 MGD)

DESIGN FLOW: 001: zero, emergency bypass only to Silver Creek  
002: 4 cfs (2.6 MGD) to Dolores River

Permit No.: CO-0029793

County: Dolores

AUTHORIZATION TO DISCHARGE UNDER THE  
COLORADO DISCHARGE PERMIT SYSTEM

In compliance with the provisions of the Colorado Water Quality Control Act, (25-8-101 et. seq., CRS, 1973 as amended) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq.; the "Act") the

RICO DEVELOPMENT CORPORATION, A COLORADO CORPORATION

is authorized to discharge from the St. Louis tunnel treatment system

located in Sec. 24 and 25, T40N, R11W

to the Dolores River and Silver Creek


in accordance with effluent limitations, monitoring requirements and other conditions set forth in Part I, and II hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

This permit shall become effective thirty (30) days after the date signed by the Director. Should the applicant choose to contest any of the effluent limitations, monitoring requirements or other conditions contained herein, the applicant must comply with Section 24-4-104 CRS 1973 and the Regulations for the State Discharge Permit System. Failure to contest any such effluent limitation, monitoring requirement, or other condition, constitutes consent to the condition by the Applicant.

This permit and the authorization to discharge shall expire at midnight,  
December 31, 1992.

Issued and Signed this 13 day of May, 1988

COLORADO DEPARTMENT OF HEALTH

  
Paul Ferraro, Director  
Water Quality Control Division

CERTIFIED LETTER NO. AL70 155 443  
DATE SIGNED 5/12/88  
EFFECTIVE DATE 6/13/88  
PERMIT 6/13/88

Code: 1 - 1 Date: 1 - 84

Modified 09/07/88

CAT12 0248

*Kellman*

# STATE OF COLORADO

Roy Romer, Governor  
Patti Shwayder, Acting Executive Director

*Dedicated to protecting and improving the health and environment of the people of Colorado*

4300 Cherry Creek Dr. S.  
Denver, Colorado 80222-1530  
Phone (303) 692-2000

Laboratory Building  
4210 E. 11th Avenue  
Denver, Colorado 80220-3716  
(303) 691-4700



Colorado Department  
of Public Health  
and Environment

June 18, 1996

David L. Sell  
McMichael, Burlingame, Multz & Lipton  
1580 Lincoln St., Ste. 900  
Denver, CO 80203

**CERTIFIED MAIL NO.: P 319 472 232**

Re: Request for Information on Cement Operations  
Rico Development Corporation  
CDPS Permit No.: CO-0029793  
Dolores County, Colorado

Dear Mr. Sell:

The Water Quality Control Division has learned that a cement plant is operating near or on Rico Development Corporation's St. Louis Tunnel property. The plant is reportedly using St. Louis Tunnel water for cement mixing and washing out trucks at the site.

According to Part II.A.1 of your permit, you are required to

inform the Division (Permits and Enforcement Section) in writing of any intent to construct, install or alter any process, facility, or activity that is likely to result in a new or altered discharge, either in terms of location or effluent quality prior to the occurrence of the new or altered discharge, and shall furnish the Division such plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge and receiving stream.

To date, the Division has received no such information on this reported operation.


Within fourteen (14) days of receipt of this letter, please submit to the Division, in writing, any information you have regarding the above-mentioned activity. Please describe any arrangements made with the operator(s) to use or discharge water, the source and quantity of any water used or discharged, the disposition of any discharged water, any alteration of any process, facility or activity as requested by Part II.A.1, and any other relevant information.

Should you have any questions, please contact me at (303)692-3603.

June 18, 1996  
Rico Development Corporation  
CO-0029793  
Page 2

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Sincerely,



Kathleen L. Sullivan  
Industrial Enforcement Engineer  
Permits and Enforcement Section  
WATER QUALITY CONTROL DIVISION

cc: West Slope Unit, Field Support Section, WQCD  
EPA, Region VIII  
Local Health Department  
MS-3